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May 9, 2018

BY ECF

Hon. Lorna G. Schofield
United States District Court
Thurgood Marshall Courthouse
40 Foley Square, Room 201
New York, New York 10007

United States v. Marina Burman
S2 16 Cr. 763 (LGS)

Dear Judge Schofield:

The Government respectfully submits this letter and the attached draft Restitution Order in connection with the sentencing of Marina Burman, scheduled for May 10, 2018 at 3:45 p.m. The attached draft Order provides for restitution in the amount agreed upon by the parties in the Plea Agreement, as recognized in the Presentence Report (“PSR”) ¶¶ 10(i) & 64.

In support of the attached draft order, the Government respectfully submits that—based on the current record—there is no reason to avoid having defendant’s restitution obligation payable in full. Specifically, the Government submits that the standard language set forth at page 32 of the PSR, recommending that restitution be payable as 10% of the defendant’s income, is not reasonably applicable in the instant case. In this case, such a schedule would have the practical effect of severely limiting any restitution, particularly since orders of restitution expire after twenty years, *see* 18 U.S.C. § 3613(b), and allowing the defendant to emerge with more than \$4.2 million in real estate holdings. Here, by her own admission, the defendant owns six pieces of real estate worth at least \$4.2 million—most of which she obtained through her divorce with co-conspirator Aleksandr Burman. (PSR ¶¶ 107, 30). This is in addition to the other six pieces of real estate she is forfeiting pursuant to the consent forfeiture order before the Court. (*See* draft Preliminary Consent Order of Forfeiture, attached).

In short, the record indicates that the defendant possesses ample resources to satisfy the restitution judgment. Accordingly, pursuant to the provisions of 18 U.S.C. §§ 3664(f)(2)-(3), the Government respectfully requests that the attached draft Restitution Order be ordered by the Court.

Respectfully submitted,

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cc: Joyce C. London, Esq.
(by ECF)